

**THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**GARY HILL and WANDA HILL,**

**Plaintiffs,**

**VS.**

**THOMAS E. WINTER, JOEL  
CONSTRUCTION COMPANY,  
and BUILDING TRENDS, INC.,**

**Defendants.**

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**CIVIL ACTION FILE**

**NO.: 1 05-CV 2026-GET**

**RESPONSE OF DEFENDANT THOMAS E. WINTER TO  
PLAINTIFFS' MOTION TO ENFORCE SETTLEMENT AGREEMENT**

COMES NOW Defendant Thomas E. Winter ("Winter") and files this his Response to the Plaintiffs' Motion to Enforce Settlement Agreement shows this Honorable Court the following:

The factual foundation outlined in the Plaintiffs' "Motion to Enforce Settlement and Memorandum of Law" is not contested by Defendant Winter. As stated by the Plaintiffs, settlement was reached on March 9, 2006, for a total amount of \$400,000.00. Mr. Winter, in his individual capacity, agreed to pay \$10,000.00 under the Agreement. Unfortunately, however, Mr. Winter has incurred unforeseen obstacles in his efforts to obtain the funding for the agreed-upon settlement amount of \$10,000.00. Mr. Winter has exhausted efforts in obtaining the funding from several sources and continues to do so at this time. The

undersigned will inform the Court and all parties of any progress made in Mr. Winter's efforts.

A handwritten signature in black ink, appearing to read 'RSL', is written over a horizontal line.

**R. SHANE LAZENBY**

Georgia State Bar Number: 441670

Attorney for Defendant

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of May, 2006, I presented the Response of Thomas E. Winter to Plaintiffs' Motion to Enforce Settlement Agreement to the Clerk of the Court for filing and uploading to the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

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